

**FCO 2007-X**

**AN ORDINANCE VACATING A PART OF A PLATTED  
DRAINAGE AND UTILITY EASEMENT ON LOT NO.  
64, HIGHLAND OAKS SUBDIVISION, PLAT NO. 1126  
FLOYD COUNTY, INDIANA**

**WHEREAS, petitioners, Nicholas K. and Joanne E. Knable, have filed a petition for the vacation of a part of a platted drainage and utility easement on real estate owned by Nicholas K. and Joanne E. Knable described more particularly herein below, which real estate is adjacent to real estate owned by Herbert H. and Kathleen B. Howland, also adjacent real estate owned by Bradley A. White and Deanna Lenz and also adjacent real estate to the rear of Knable lot owned by Douglas K. and Lisa L. Chastain, pursuant to the provisions of IC 36-7-3-12 and IC 36-7-3-16: and**

**WHEREAS, such petitioners have further caused a notice of public hearing on such petition before this Board to be properly publish in accordance with Indiana Law; and,**

**WHEREAS, this Board having held such public hearing at the date and time as stated in such published notification; and**

**WHEREAS, there are no other adjoining property owners to the portion of the easement proposed to be vacated.**

**NOW, THEREFORE, BE IT ORDAINED, that the Board of County Commissioners of Floyd County, Indiana, hereby finds all of the following:**

- 1. The proposed vacation will not hinder the growth or orderly development of Floyd County, Indiana.**
- 2. The proposed vacation will not make access to the lands of any aggrieved person by means of public difficult or inconvenient.**
- 3. The proposed vacation will not hinder the public's access to a church, school, or other public building or place.**
- 4. The proposed vacation will not hinder the use of a public way by the neighborhood in which the easements are located or to which they are contiguous.**

**IT IS FURTHER ORDAINED, that the Board of Commissioners of Floyd County, Indiana, does accordingly hereby vacate the southerly 15 feet to a 20 foot drainage and utility easement, said 20 foot easement being along the northerly rear lot line of the following described:**

**LOT NO. 64 OF HIGHLAND OAKS SUBDIVISION  
SECTION 2, PLAT NO. 1126, FLOYD COUNTY, INDIANA.**

**The drawing attached hereto and incorporated herein as Exhibit "A" further depicts the area of the platted easement hereby vacated.**

**IT IS FURTHER ORDAINED that this vacation shall not deprive a public utility of the use of all or part of the easement hereby vacated to the extent that any such public utility was occupying all of part of such easement at the time that the petition for vacation was filed.**

**This Ordained proposed, promulgated, and adopted this 15<sup>th</sup> day of May, 2007 and shall be of full force and effect as of the date of its passage.**

/s/ Stephen A. Bush  
**Stephen A. Bush, Commissioner**

/s/ Charles A. Freiburger  
**Charles A. Freiburger, Commissioner**

/s/ Mark Seabrook  
**Mark Seabrook, Commissioner**

**Attested by:**

/s/ Teresa Plaiss  
**Teresa Plaiss,  
Floyd County Auditor**

